

Appl. No. : 09/827,772
Filed : April 6, 2001

REMARKS

This paper amends the specification and Claims 5, 11, 12, 17 and 21. Claims 1-4, 6-10, 13-16, 18-20 and 22-23 are unchanged. Claims 1-23 are pending. Reconsideration and allowance of the claims in light of the present remarks is respectfully requested. The amendments for Claims 5, 11, 12, 17 and 21 are for clarification, are not meant to avoid any prior art and are not narrowing. Applicant has amended the title to be more descriptive as requested by the Examiner. The first paragraph of the specification has been amended to include the application numbers as requested by the Examiner.

Discussion of Claim Objection

Claim 21 was objected to because of informalities. Claim 21 has been amended to correct the clerical error.

Discussion of Claim Rejection under 35 USC § 112, 2nd ¶

Claims 5 and 11-16 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended Claims 5 and 11-12 to correct the indefiniteness.

Discussion of Claim Rejection under 35 USC § 102(e)

Claims 1-23 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Jain et al. (U.S. Patent No. 6,567,980).

The Jain patent is directed to an entity generating metadata tracks and serving the metadata and the optionally encoded video on its own web site. Applicant's system is directed to a different architecture that can be embodied as a service bureau that generates metadata and encodes video and then injects the search results into web pages of a *content owner's web server*. In one embodiment, the service bureau does not have its own web site to display results, but relies on the content owner to present the results. The service bureau does have a web server, but that is to do "behind the scenes" interaction with the content owner's web server such as facilitating searches and providing the results to be injected into the content owners web pages using dynamic HTML and template-based presentation mechanisms.

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In the Jain reference, the *content server* (140, Figure 1) stores and serves encoded video. In one embodiment of Applicant's application, the *content distribution network* (240, Figures 2 and 3) performs this function and may include a *video server* (not shown). The *content owner's network server* (228, Figures 2 and 3) does not store and serve the encoded video, but rather, generates and serves the web pages (332).

Regarding Claim 1, as discussed above, the Jain reference does not disclose the claimed invention.

Regarding clarified Claim 11, the Jain reference does not disclose "a content owner facility comprising a content owner network server", or "a hosted video application module configured to provide video elements for display on a content owner web site at the content owners facility" as a part of a service facility.

Regarding clarified Claim 17, the Jain cited reference does not disclose "providing video elements for incorporation in a content owner network site".

Applicability of 35 U.S.C. § 103(c) if use Jain et al. for Obviousness

Because the anticipation rejection by Jain et al. is under 35 U.S.C. § 102(e), and the Jain reference and this application were both subject to assignment to the same entity, Applicant respectfully submits that the Jain reference cannot be used in an obviousness context due to common ownership with this application (35 U.S.C. § 103(c)).

Dependent Claims

Claims 2-10, 12-16 and 18-23 are dependent either directly or indirectly on one of the above-discussed independent claims. Applicant respectfully submits that pursuant to 35 U.S.C. § 112, ¶4, the dependent claims incorporate by reference all the limitations of the claim to which they refer and include their own patentable features, and are therefore in condition for allowance. Therefore, Applicant respectfully requests the withdrawal of all claim rejections and prompt allowance of the claims.

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Conclusion

In light of the above, reconsideration and withdrawal of the outstanding rejections are specifically requested. In view of the foregoing remarks, Applicant respectfully submits that the claims of the above-identified application are in condition for allowance. However, if the Examiner finds any impediment to allowing all claims that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 1/27/05

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